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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,683	01/04/2002	Robert S. Brayton	COMP:0270 P01-3944	8294

7590 10/06/2004

INTELLECTUAL PROPERTY ADMINISTRATION
LEGAL DEPARTMENT, M/S 35
P.O. BOX 272400
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EXAMINER	
BASEHOAR, ADAM L	

ART UNIT	PAPER NUMBER
2178	

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/037,683	BRAYTON ET AL.	
	Examiner	Art Unit	
	Adam L Basehoar	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 January 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *04 January 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *04/15/02*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: The Application filed on 01/04/02 as well as the Information Disclosure Statement filed on 04/15/02.

2. Claims 1-20 are pending in the case. Claims 1, 8, and 16 are independent claims.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Kahn et al (Hereafter Kahn)(US-2002/0069204 06/06/02).

-In regard to independent claim 1, Kahn teaches a method for serving dynamic information through a network interface by:

serving a Web page (Fig. 3: 302) comprising a source call to a data file (Fig. 3: 304);

generating the data file from dynamic data in real-time (Fig. 3: 306)(page 1: 0005); and

populating the Web page with the data file in real-time based on the source call (Fig. 3: 312).

-In regard to dependent claim 2, Kahn teaches wherein the act of serving the Web page comprises the act of retrieving the Web page from a file system (database)(page 1: 0006 & page 2: 0023) comprising a plurality of Web pages in a markup language (HTML)(page 2: 0024 & page 3: 0026).

-In regard to dependent claim 3, Kahn teaches generating the Web page in a markup language (HTML) compatible with a scripting language for the source call (page 3: 0027)(Fig. 6A-B).

-In regard to dependent claim 4, Kahn teaches generating the Web page independently from the data file by retrieving from a database (page 1: 0006 & page 2: 0023).

-In regard to dependent claim 5, Kahn teaches the act of independently providing dynamic data in real-time using data variables (page 1: 0006) in the data file (page 3: 0027).

-In regard to dependent claim 6, Kahn teaches the act of creating the data file as an object file (page 3: 0027)(Fig. 6A-B) for accessing the dynamic data (page 2: 0023).

-In regard to dependent claim 7, Kahn teaches the act of merging the data file with the Web page template and displaying the result via a Web browser (Fig. 3: 312 & 314)

-In regard to independent claim 8, Kahn teaches a method providing a call to a dynamic data file (Fig. 3: 304 & 306) in a Web page written in a standard markup language (HTML)(page 2: 0024 & page 3: 0026);

accessing dynamic data and creating the dynamic data file (Fig. 3: 306, 308, 310) in real-time (page 1: 0005) independently of the Web page; and

merging dynamic data in the dynamic data file with the Web Page based on the call (Fig. 3: 312 & 314).

-In regard to dependent claim 9, Kahn teaches using a scripting language to execute the call (page 3: 0027)(Fig. 6A-B).

-In regard to dependent claim 10, Kahn teaches wherein the dynamic data file comprises a scripting language file (Fig. 6A-B).

-In regard to dependent claim 11, Kahn teaches transmitting the Web page from a server to a remote browser (Fig. 3: 300 & 302);

evaluating the call at the remote browser (Fig. 3: 304); and

transmitting a data request from the remote browser to the server based on the call within the Web page (Fig. 3: 304 & 306).

-In regard to dependent claim 12, Kahn teaches comprising the act of responding to the data request at the server by performing the act of accessing data and creating the dynamic data file (Fig. 3: 306, 308, 310), and by further performing the act of transmitting the dynamic data file to the remote browser from merging with the Web page (Fig. 3: 310, 312, 314).

-In regard to dependent claim 13, Kahn teaches the act of populating the Web page at the remote browser (Fig. 3: 312 & 314).

-In regard to dependent claim 14, Kahn teaches the act of responding to a client request for the Web page (Fig. 3: 300 & 302).

-In regard to dependent claim 15, Kahn teaches the act of populating the Web page with the dynamic data in the dynamic data file to form a populated Web page at the server (page 1: 0006 & page 3: 0028); and

transmitting the populated Web page to the remote client (Fig. 1A:130) via a network (Fig 1A: 128).

-In regard to independent claim 16, Kahn teaches a dynamic data server comprising:

a web server (Fig. 1A: 110);

a file system adapted to store dynamic data and web pages for the web server (page 4: 0044);

a dynamic web page stored on the file system (Fig. 3: 302), wherein the dynamic web page comprises a call for a file in a scripting language (Fig. 3: 304)(Fig. 6A-B);

a call analysis module adapted to identify dynamic data desired by the call (Fig. 3: 306)(page 3: 0027);

a real-time data collection module adapted to retrieve the dynamic data identified by the call analysis module and to generate the file (Fig. 3: 308);; and

a real-time data population module adapted to merge the dynamic data in the file with the dynamic Web page (Fig. 3: 310, 312, 314).

-In regard to dependent claim 17, Kahn teaches wherein the dynamic Web page was written in an Internet markup language (HTML)(page 2: 0024 & page 3: 0026).

-In regard to dependent claim 18, Kahn teaches wherein the real-time data population module was executable by a Web-browser (Fig. 3: 312 & 314).

-In regard to dependent claim 19, Kahn teaches wherein the real-time data population module comprises a scripting function disposed in the file (page 3: 0027)(Fig. 3: 304, 312, 314)(Fig. 6A-B).

-In regard to dependent claim 20, Kahn teaches a real-time data transmission module adapted to serve the file (content and edit buttons) (Fig. 3: 312) separately from the dynamic Web page (page 4: 0044).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US-5,983,227	11-1999	Nazem et al.
US-2002/0032706	03-2002	Perla et al.
US-2003/0135819	07-2003	Lakhdhir et al.
US-6,732,330	05-2004	Claussen et al.
US-6,718,515	04-2004	Conner et al.
US-6,622,168	09-2003	Datta, Anindya

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam L Basehoar whose telephone number is (571)-272-4121. The examiner can normally be reached on M-F: 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Hong can be reached on (703) 308-5465. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ALB

STEPHEN S. HONG
PRIMARY EXAMINER